

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Bill 597 amends Section 40-1-1 NMSA 1978 defines marriage as a contract between a man and a woman.

TECHNICAL ISSUES

The AGO raises technical issues with the drafting of the bill:

“Section 4 of the bill amending section 40-1-4.A refers to a marriage in another ‘country’ while section 40-1-4.B refers to another ‘jurisdiction’. Assuming that the term ‘country’ means a foreign country and not another state, it is unclear whether the term ‘jurisdiction’ is intended to be limited to a foreign country or to include a sister state.

“Section 5 of the bill amending section 40-1-8 requires a conviction in the first sentence but deletes the reference to conviction in the second sentence. We suggest that the framework in both sentences be the same in order to avoid any inconsistent interpretation.”

OTHER SUBSTANTIVE ISSUES

If enacted, House Bill 445 would likely be challenged in court.

EF/sb